



TOWN OF DURHAM
8 NEWMARKET RD
DURHAM, NH 03824-2898
603/868-8064
www.ci.durham.nh.us

NOTICE OF DECISION

Project Name: 56-62 Main Street Condominium Conversion
Action Taken: APPROVAL
Project Description: Conversion of existing buildings on Main Street and Jenkins Court to four condominium units
Address: 56-62 Main Street and Jenkins Court
Property Owner: Pete Murphy
Applicant: Doug Clark and Pete Murphy
Engineer: Mike Sievert
Map and Lot: Map 2, Lot 14-4
Zoning: Central Business District
Date of approval: July 10, 2019

The condominium conversion is approved as presented in all of the condominium documents subject to the following terms and conditions.

- 1) **Recording.** This notice of decision shall be recorded at the Strafford County Register of Deeds with the condominium documents.
- 2) **Condominium documents.** The condominium documents for the purpose of this approval includes the first floor plan, basement plan, and second floor plan and the site plan developed by MJS Engineering ; the Articles of Agreement; Exhibit A – Legal Description; Declaration of Condominium (*clarify whether this is Exhibit B or not*); Exhibit C – Bylaws; and Exhibit D – Condominium Rules.
- 3) **Town Review.** This approval is granted pursuant to the Durham Subdivision Regulations. The Town looked for only clear omissions or problems in accordance with those regulations. The Town did not conduct a thorough review of every aspect of the condominium documents as that is the responsibility of the property owner.
- 4) **Communication with the Town.** The Town will communicate with the association to the association itself, the board of directors, and/or the president, as appropriate.

- 5) Compliance with local law. Regardless of any specific language contained in the condominium documents that might not be consistent with local law, the condominium shall remain in compliance with all applicable local law.

- 6) Changes to documents. The following changes shall be made to the documents and the revised documents shall be submitted to the Planning Department for review prior to recording. (Note that the designation of Unit 3 and Unit 4 in the June 19, 2019 letter of intent is reversed.)
 - a) Modify the first floor plan and site plan, as needed to clarify discrepancy in boundaries of unit #1, unit #3, and the common area in between.

 - b) Add clear language in appropriate places that all requirements of the Town of Durham’s Zoning Ordinance and other applicable local law shall apply. Where there is any inconsistency between the provisions of any of the condominium documents and Town requirements, the Town requirements shall prevail.

 - c) Exhibit D. 7. B. and Declaration 3-800 B. Add notes that leasing to a maximum of four occupants is subject to conformance to Town zoning requirements.

 - d) Clarify whether the Declaration is Exhibit B. If so, label accordingly.

 - e) Under Section 2-402 of the Declaration modify the number of floors shown if desired.

 - f) Address the second floor apartment that straddles condominium units 1 and 4. The apartment may continue to straddle the condominium units provided this is appropriately treated in the condominium documents. If the apartment is to be separated into two apartments vertically aligned with condominium units 1 and 4 provide information to the Town regarding number of occupants, number of beds, layout of apartments, etc. in order that the Town may clarify the zoning parameters for the two apartments.

Findings of fact. a) The applicant submitted an application and supporting documents including a site plan, floor plans, declaration, and bylaws for the conversion; b) The Planning Board held a public hearing on the application on July 10, 2019; c) The Planning Board and Town staff reviewed the application in accordance with state law, the Durham Zoning Ordinance, the Durham Subdivision Regulations, and other applicable law and found that the application meets all requirements; d) The Planning Board duly approved the application as stated herein.

Signature of applicant

date

Printed name of applicant

Signature of Planning Board Chair

date

Printed name of Planning Board Chair